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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/848,921	05/19/2004	Kwang-Soon Kim	3364P168	5850	
8791 7590 05/20/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN			EXAM	EXAMINER	
1279 OAKMEAD PARKWAY SUNNYVALF, CA 94085-4040			LAM, KENNETH T		
			ART UNIT	PAPER NUMBER	
			2611		
			MAIL DATE	DELIVERY MODE	
			05/20/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/848,921	KIM ET AL.	
Examiner	Art Unit	
KENNETH LAM	2611	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 07 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abands application, application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.31; or (3 for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following periods: a) ☑ The period for reply expires 3 months from the mailing date of the final rejection, or (2) the date set forth in the final rejection, b) ☐ The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, which no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, which no event, however, will it is checked, check either box (6) or (1), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILE (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a) The date on which the petition under 37 CFR 1.136(a) and the appropriate e have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, ever may reduce any areand patent term adjustment. See 37 CFR 1.704(b). SOUTCE OF APPEAL. 2 ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(n), to accidate diamination of the a Notice of Appeal has been filed, any reply must be filed within the time period set of the final rejection in 37 CFR 41.37(n), to accidate	onment of this ich places the sign and executed and a request sign and the sign and
 ∑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abando application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.51; or (3 for Continued Examination (RCE) in compliance with 37 CFR 1.14. The reply must be filed within one of the following periods: a) ∑ The period for reply expires 2 months from the mailing date of the final rejection. b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, which no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: It box is checked, check either box (6) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILEI MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate e have been filed is the date for purposes of determining the period of extension and the corresponding amount of the final Office set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, ever may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL C I The Notice of Appeal Was filed on A brief in compliance with 37 CFR 4.1.37(e), to avoid dismissal of the a file of the final replection file of the notice of appeal (37 CFR 4.1.37(e)), to avoid dismissal of the a file of the final replection. 	ich places the 3) a Request g time ever is later. In D WITHIN TWO extension fee action; or (2) as
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, whi application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.13: or (3 for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the followin periods: a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of the Advisory Action, or (2) the date set forth in the final rejection, which no event, however, will the statutory period for reply expires later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILET MONTHS OF THE FINAL REJECTION. See MPEP 705.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate ender 30 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office a set forth in (b) above, if checked. Any reply received by the Office taler than three months after the maining date of the final Office a set forth in (2) above, if checked. Any reply received by the Office taler than three months after the maining date of the final Office a set forth in (2) above, if checked. Any reply received by the Office taler than three months after the maining date of the final Office a set forth in (2) and the appropriate form (3) of the 41.37(a), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a	ich places the 3) a Request g time ever is later. In D WITHIN TWO extension fee action; or (2) as
a) The period for reply expires 3 months from the mailing date of the final rejection. b) The period for reply expires on. (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, which no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILE! ExtensionSTHTAS OFTHE FINAL REJECTION. See MPEPT 80.010 or which the petition under 37 CFR 1.136(a) and the appropriate e have been filed is the date for proposes of determining the period of extension and the corresponding amount of the fee. The appropriate estorth in (b) above, if checked. Any reply received by the Office taler than three months after the malling date of he final reflection, ever mallow carried and the corresponding amount of the fee. The appropriate is often in the final office of the final rejection, ever mallow and the corresponding amount of the fee. The appropriate set forth in (b) above, if checked. Any reply received by the Office taler than three months after the malling date of he final rejection, ever mallow and the corresponding date of the final rejection, ever mallow and the corresponding date of the final rejection, ever mallow and the corresponding date of the final rejection. NOTICE OF APPEAL 2. The Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a	ED WITHIN TWO extension fee extension fee action; or (2) as
no event, however, will the statulory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1.5 checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILE! MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate e have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate under 37 CFR 1.17(a) is calculated from (1) the expiration date of the shorthend statulory period for reply originally set in final Office set for thin (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, ever may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. The Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the affiling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a	D WITHIN TWO extension fee extension fee action; or (2) as
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate e have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate unter 37 CFR 1.17(a) is calculated form: (1) the expiration date of the shortened statutory period for reply originally set in final Office a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, ever may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a	extension fee e extension fee action; or (2) as
have been flied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate unter 37 CFR 1.17(a) is calculated form: (1) the expiration date of the shortened statutory period for reply originally set infinal Office a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, ever may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months o filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the a	e extension fee action; or (2) as
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filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the a	
AMENDMENTS	
 \(\)\) The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered beca \(\)\) They raise new issues that would require further consideration and/or search (see NOTE below); \(\)\)\) They raise the issue of new matter (see NOTE below); 	
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the appeal; and/or	issues for
(d) They present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PT	FOL 204)
Applicant's reply has overcome the following rejection(s):	OL-324).
 Applicant's reply has overcome the following rejection(s): Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment of the company of the compa	canceling the
non-allowable claim(s).	Jancening the
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an expl how the new or amended claims would be rejected is provided below or appended.	lanation of
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:	
Claim(s) objected to:	
Claim(s) rejected:	
Claim(s) withdrawn from consideration:	
AFFIDAVIT OR OTHER EVIDENCE 8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be	a antonad
 In a minartion of other evolution fleet a final action, but before of on the date of mining a voluce of Appear will not because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is ne was not earlier presented. See 37 CFR 1.116(e). 	
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will be affidavit or other evidence failed to overcome all rejections under appeal and/or appeal and showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 1.33(d)(1).	
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER	L
MacControl Control Control Control MacControl Control Control MacControl Control MacControl MacContro	because:
12. ☐ Note the attached Information <i>Disclosure Statement</i> (s), (PTO/SB/08) Paper No(s).	
13. Other:	

U.S. Patent and Trademark Office

Continuation of 11. does NOT place the application in condition for allowance because: the amendments raise new issue with "transmit power determined according to the mean of SNRs and an increasing transmit power determined according to the nomalized standard deviation of the SNRs," further consideration and/or search is needed.